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1109 MCKA	Y DRIVE.	M/S-41SJ	ART UNIT	PAPER NUMBER	
SAN JOSE,	,		2142		

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Commons	09/653,784	CARIS ET AL.
Office Action Summary	Examiner	Art Unit
	Prieto Beatriz	2142
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address
Period for Reply	ALC CET TO EVOIDE 2 MONTH/	S) EDOM
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE!	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 18 Ja	nuary 2005.	
2a) ☐ This action is FINAL . 2b) ☑ This	action is non-final.	
3) Since this application is in condition for allowar	ice except for formal matters, pro	secution as to the merits is
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.
Disposition of Claims		
4) Claim(s) 1-4,7-12 and 14-24 is/are pending in t	he application.	•
4a) Of the above claim(s) is/are withdraw	vn from consideration.	
5) Claim(s) is/are allowed.		
6) Claim(s) <u>1-4, 7-12, and 14-24</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or	r election requirement.	
Application Papers		
9) The specification is objected to by the Examine	r.	
10) ☐ The drawing(s) filed on is/are: a) ☐ acc		
Applicant may not request that any objection to the		
Replacement drawing sheet(s) including the correct		
11)☐ The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
 12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 	s have been received. s have been received in Applicat	ion No
3. Copies of the certified copies of the prio		ed in this National Stage
application from the International Bureau		
* See the attached detailed Office action for a list	or the certified copies not receive	eu.

Attach ment(s)

1)	\boxtimes	Notice of References Cited (PTO-892)
2)		Notice of Draftsperson's Patent Drawing Review (PTO-948)
21		Information Displaces Chatemant(a) (DTO 1440 or DTO/CD/

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) 📖	Interview Summary (PTO-413)
	Paper No(s)/Mail Date
در ك	Notice of Informal Patent Applicat

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

Office Action Summary

Part of Paper No./Mail Date 060605



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DETAILED ACTION

1. This communication is in response to Amendment filed 01/18/05, amending claims 1, 4, 7 and 15. Claims 1-4, 7-12, 14-24 have been examined.

2. For the purposes of accelerating prosecution, the following suggestion is respectfully set forth for applicant's consideration. The following limitation if added to all base claims, will place the application in condition for allowance: "causing a single action the particular user's remote control device to execute multiple activities of the identified consumer electronic equipment" (p. 2 of specs).

Claim Rejection under 35 USC 103

3. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

4. Claims 1-4, 7 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,104,334) in view of Goldstein (US 5,410,326) in further view of Farry et. al. (US 5,608,447) (Farry hereafter).

Regarding claim 1, Allport teaches a method including are remote control device, electronics equipment and a user operating the remote control device, the method including:

an appliance establishing a connection with a server on the Internet in response to a user actuating a remote control (Allport: col 8/lines 30-57, col 9/lines 63-65 and col 4/lines 62-65); although Allport does not explicitly teach storing consumer information for each consumer including the consumer's remote control device and associated consumer devices controlled therewith;

Goldstein teaches a method for remote programming a remote control device, including a server (head end) having each consumer information each have information ("user profiles") about the services for which he/she has subscribed, including information about the consumer

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equipment associated identified remote control device and the codes for programming the remote control device associated with or to operate consumer's remote control devices "electronic equipment" (Goldstein: col 3/lines 29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22);

identifying at the server selected information associated with each consumer including the identifying the remote control devices with which the set-top converter "appliance" is authorized to operate and supplying all the required IR codes to operate consumer's electronic equipment (Goldstein: col 17/lines 62-67, col 18/lines 14-22);

downloading the consumers IR codes using the set-top converter "appliance", i.e. via from the head end to the remote controller via the set-top converter (Goldstein: col 18/lines 14-22);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Allport for configuring a programmable remote control for controlling various appliance and his suggestion for obtaining the code for programming the remote control from Internet service providers (ISPs), that access mechanisms such as subscriptions service would be inherent and obvious, thereby readily apparent to one ordinary skilled. Goldstein teaches that the programming services provided by the head end cable facility is to support each consumer needs for different IR codes according to the devices the remote control device is to operated, thereby maintaining individualized information for each consumer for the services subscribed to (i.e. "customer base", subscription file or consumer profile). Motivation to combine the teachings of Goldstein and Allport would be enable the user to added or update his/her initial subscription including the appliance the user wishes to obtain programming code from the pool of the compiled database of available codes for operating appliance manufactured by various manufactures enabling the user to select latest advances in technology offered by retailers.

However, Goldstein nor Allport explicitly disclose the consumer or subscriber information is stored in a storage medium, e.g. "a customer base".

Farry teaches maintaining a database for customer profile data, e.g. data regarding the services available to each customer, wherein the subscription may be updated (col 9/lines 7-17), including uploading the service profile data for each subscriber, in response to subscriber

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selection for a service, the subscriber profile is evaluated to determine if the subscriber is authorized for said selected service and the service is provided if the profile data indicated that the subscriber is authorized to receive said selected service. The system will upload new profile data each time subscriber information is filed and the database changes, typically in response to new subscription information from the subscriber (col 9/lines 18-31).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Allport for configuring a programmable remote control for controlling various appliance and his suggestion for obtaining the code for programming the remote control from Internet service providers (ISPs), that access mechanisms such as subscriptions service would be inherent and obvious, thereby readily apparent to one ordinary skilled and the suggestion of Goldstein teaches that the programming services provided by the head end cable facility is to support each consumer needs for different IR codes according to the devices the remote control device is to operated, thereby maintaining individualized information for each consumer for the services subscribed to (i.e. "customer base", subscription file or consumer profile), the teachings of Farry teaches maintaining a database for customer profile data, e.g. data regarding the services available to each customer would be readily apparent. Motivation to combine the teachings of Farry with Allport would be enable the user to added or update his/her initial subscription, as suggested by Farry, further including the appliance the user wishes to obtain programming code from the pool of the compiled database of available codes for operating appliance manufactured by various manufactures enabling the user to select latest advances in technology offered by retailers.

Regarding claim 2, a menu for the consumer based on his/her subscription, i.e. subscriber's services for programming the consumer's remote control device (Goldstein: col 10/lines 3-10, col 16/lines 28-32, col 18/lines 14-22).

Regarding claim 3, transmitting a wireless signal from the set-top converter "appliance" to the remote control device for programming (Goldstein: col 18/lines 14-22).

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Regarding claim 4, enabling the consumer to notify a server through the appliance of the consumer's electronics equipment for which to download control code (Allport: col 15/lines 5-26, and col 5/lines 5-67), communicating "notifying" with a server for updating the respective profile of the particular user (Farry: col 9/lines 18-31).

Claims 5-6 (canceled).

Regarding claim 20, a single user action associated with the menu on the programmable device allows the execution of multiple activities on a particular consumer equipment (Goldstein: col 14/lines 3-28).

Regarding claim 21, a display for graphically representing on the remote control for programming it (Goldstein: col 14/lines 3-28).

Regarding claim 22, programming the remote control device according to the menu system (Goldstein col 14/lines 3-28) using an appliance to download programming data to the remote control device (Goldstein: col 12/lines 23-33).

Regarding claim 7, a remote control device for controlling an appliance "Internet connectable" (Allport col 8/lines 30-57 and col 10/lines 27-67, Goldstein: remote controller for controlling cable television receivers or converters, prior art see col 1/lines 12-30, teaching see col 3/lines 17-21);

remote controller has a button for causing the appliance to connect to a host over the Internet (Allport: col 9/lines 63-65, col 8/lines 30-57);

the remote control device is configured to send information indicating consumer electronic equipment to the server (Goldstein: col 4/lines 6-10 and col 9/lines 39-45);

the server maintaining stored information e.g. a contract or subscription for a plurality of consumers "user profiles" to which services are provided (Goldstein: col 17/lines 62-col 18/line 3);

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the appliance programs the remote control device with code download from the cable head end (server) for the remote control device through the appliance (Goldstein: col 18/lines 14-22) according o a user's subscription associated with the remote control device (Goldstein: col 17/lines 62-67); although Goldstein teaches maintaining subscription information for each subscriber of a plurality of subscriber sent to the head end system (i.e. server) information that identifies consumer electronics equipment, for providing to each subscriber services in accordance to each individual subscription, it does not explicitly describe where this information is stored in a storage medium;

sending by the remote control device data specific to each subscriber "user profile" (Goldstein: col 3/lines 58-67), the head end server said data for programming the remote control device to control the consumer electronic equipments (Goldstein col 3/lines 29-67).

5. Claims 7-12, 14-19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,104,334) in view of Goldstein (US 5,410,326) further exemplified by LaRocca et. al. (US 6,314,572)

Regarding claim 7, a remote control device for controlling an appliance "Internet connectable" (Allport col 8/lines 30-57 and col 10/lines 27-67, Goldstein: remote controller for controlling cable television receivers or converters, prior art see col 1/lines 12-30, teaching see col 3/lines 17-21);

remote controller has a button for causing the appliance to connect to a host over the Internet (Allport: col 9/lines 63-65, col 8/lines 30-57);

the remote control device is configured to send information indicating consumer electronic equipment to the server (Goldstein: col 4/lines 6-10 and col 9/lines 39-45);

the server maintaining stored information e.g. a contract or subscription for a plurality of consumers "user profiles" to which services are provided (Goldstein: col 17/lines 62-col 18/line 3);

the appliance programs the remote control device with code download from the cable head end (server) for the remote control device through the appliance (Goldstein: col 18/lines 14-22) according o a user's subscription associated with the remote control device (Goldstein: col

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17/lines 62-67); although Goldstein teaches maintaining subscription information for each subscriber of a plurality of subscriber sent to the head end system (i.e. server) information that identifies consumer electronics equipment, for providing to each subscriber services in accordance to each individual subscription, it does not explicitly describe where this information is stored in a storage medium;

LaRocca teaches storing a subscriber/consumer profile and billing information in a database (154) of a customer management system (150), database 154 containing specific customer subscription information pertaining to a customer's type of services (col 5/lines 27-41 and base subscription col 9/lines 52-65).

It would have been obvious to one ordinary skilled in the art at the time the invention was made, that the consumer's subscription in the Allport-Goldstein reference(s) including information that identifies the consumer electronics equipments for which the head end is to download IR codes via the cable converter to control different appliances for each consumer according to their respective subscription, is a stored file or record pertaining to each consumer. Subscription information it identifies the services the consumer has paid for and the services the head end will provide, it would have been obvious and readily apparent to one ordinary skilled in the art that each consumer subscription file or record is stored, means to store subscriber's files are further exemplified by the LaRocca reference as being stored in a storage medium, e.g. a database.

Regarding claim 8, the applicant allows a consumer "user" to "customize" the programming of the remote control device (Goldstein: col 10/lines 3-10).

Regarding claim 9, the appliance transmits programming code via wireless signal to the remote control device (Allport: col 5/lines 66-col 6/line 13, col 4/lines 36-39).

Regarding claim 10, appliance is a set-top box (Allport: col 8/lines 58-67).

Regarding claim 11, stored information (storage medium "customer base") on each consumer "user profiles" that identifies at the server information associated with the consumer including

the identifying the remote control devices with which the set-top converter "appliance" is authorized to operate and supplying all the required IR codes to operate consumer's electronic equipment (LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65 and Goldstein: col 17/lines 62-67).

Regarding claim 12, supplying consumer's remote control device programmed code for use with the set-top converter (Goldstein: col 17/lines 62-67 and Allport col 1/lines 38-45 and col 3/lines 52-60).

Claim 13 (canceled)

Regarding claim 14, receiving at the server information about the consumer's electronic equipment (Goldstein: col 4/lines 6-10 and col 9/lines 39-45);

using information obtained about the consumer's electronic equipment for programming the remote control device (Goldstein col 17/lines 62-67), the programmed remote control device for controlling a plurality of consumer's electronic equipment (Goldstein: col 12/lines 23-33);

each consumer information containing information about the consumer electronics equipment of the user (Goldstein: col 17/lines 62-67).

Regarding claim 15, a method including

providing at a server connected to a data network, an subscription "user profile" comprising information about the user's consumer electronic equipment (Goldstein: col 4/lines 6-10 and col 9/lines 39-45, LaRocca: col 5/lines 27-41 and col 9/lines 52-65);

programming a remote control device for controlling the user's consumer electronic equipment by using the information about the user's consumer electronic equipment, e.g. their respective IR codes (Goldstein: col 3/lines 58-67);

the server storing information about the user's consumer electronic equipment in a storage means "customer base" (Goldstein: subscription representing the services, see col 3/lines

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29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22 and LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65).

Regarding claim 16, the limitations of this claim are substantially the same as the limitation of claim 1, 7, and 15, same rationale of rejection is applicable.

Regarding claim 17, comprises features discussed on claims 1 and 7, same rationale of rejection are applicable, and further limitations include

a look-up table that is programmed with data downloaded from a server on the Internet (Allport: a data structure or memory structure ("lookup table") that is programmable or loadable with programs downloaded from a server on the Internet, see col 8/lines 30-57, remote control with storage capabilities, see col 7/lines 56-60, data downloaded for programming remote control, see col 5/lines 50-67);

identifying at the server selected information associated with the consumer including the identifying the remote control devices with which the set-top converter "appliance" is authorized to operate and supplying all the required IR codes to operate consumer's electronic equipment (Goldstein: col 17/lines 62-67);

the look-up table maps a first control code, received from a remote control device, onto a second control code for control of an apparatus via the appliance (Allport: downloadable programs are specific to each the appliance from the plurality of appliances the remote control is to control, therefore the programs (i.e. "control codes") each correlated ("are mapped") to a specific apparatus to be controlled, see col 8/lines 50-66, wherein received at the remote control device via an appliance having a third part software, e.g. PC or web browser, col 9/lines 58-65, col 8/lines 30-40 or e.g. to control a TV apparatus via a web browser appliance).

Regarding claim 18, comprising limitation discussed on claims 1 and 7, the combined teachings mentioned above further teach the invention as claimed,

sending to a server information respective to a user form a plurality of user associated with respective user's remote control device via an appliance (Goldstein: col 4/lines 6-10 and col 9/lines 39-45 and Allport: col 15/lines 5-26, and col 5/lines 5-67);

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gathering respective user information in a storage medium (Goldstein: subscription representing the services, see col 3/lines 29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22 and LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65).

Regarding claim 19, an user selects through a screen selection "menu" of services "operations" desired provided by the downloaded data (Goldstein: col 18/lines 14-22, col 12/lines 44-53, link menu see col 9/lines 1-49).

Regarding claim 23, programming the remote control device according to the menu system (Goldstein col 14/lines 3-28) using an appliance to download programming data to the remote control device (Goldstein: col 12/lines 23-33).

Regarding claim 24, user interface data provides information of the features that support consumer interaction with the remote control device (Goldstein: col 9/lines 1-49).

Response to Arguments

6. Regarding claims 1-4 and 20-22 rejected under 103 as being unpatentable over Allport in view of Goldstein, it is argued (p. 10 of remarks), that Allport does not teach claim 1, as amended, specifically,

"connecting an Internet-connectable appliance to a server on the Internet in response to the particular user controlling the particular user's remote control device, the service having an associated customer base comprising respective user profiles, each of the respective user profiles identifying consumer electronics equipment associated with a respective remote control device of a respective user", because Goldstein does not disclose or suggest that "a customer base is provided with respective user profiles, each identifying consumer electronics equipment associated with a respective remote control device of a respective user, because, in the Goldstein consumers subscribing to a service to receive IR codes pay a fee for this service.

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In response to the above-mentioned argument, Goldstein reference teaches that the consumer downloads programming codes for the remote control device as service to its subscribers from the cable system head end (col 3/lines 29-44),

Personalizing the device operation for each household can occur either through a bidirectional communications link to a cable television converter which receives programming code from a head end cable facility, or by a telephone coupler which is connected via a telephone link to a programming source. Once connected to the remote data source, programming occurs by simply activating a control when programming information is known to be entering the interface of the device. In a preferred embodiment of the invention, wherein the programmable universal remote communicates via a bidirectional communications link with a cable television converter, connected to a source of cable television signals, the cable system head end downloads programming to the universal remote control device, as a service to its subscribers.

the services provided to the consumer are those for which the consumer has subscribed through a contract for services received (col 3/lines 45-51), each consumer will have a variety of different appliances each of which require different programming codes for the device used to control these appliances, the subscriber can receive different codes from the head end facility as part of that facility's device programming service (col 3/lines 58-67),

The device can be used to control not only channel selection and functions for the cable television converter, but may also control the VCR, stereo, compact disc player or other remote controlled device. As it is recognized that consumers would have a variety of such devices, all made by different manufacturers, and each requiring a different infrared (IR) code, the subscriber can receive these different codes from the head end cable facility as part of that facility's device programming service. Alternatively, the device may be programmed at the point of sale or via a telephone coupler to a remotely connected programming source. Additionally, user-friendly icon characters for display on the touch screen display will be forwarded to the programmable universal remote, to identify the functions, which are subject to control.

the programming service when provided by the head end cable facility will initiate a data transfer of the infrared codes to users who have subscribed to this service via the cable converter (col 16/lines 28-32), i.e. according to the users subscriptions, each user having a subscription,

It is possible for cable television systems to offer this service as well. In this situation, the head end cable facility will *initiate a data transfer of the infrared codes to users who have subscribed* to this service via the cable converter.

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the cable converter initialized in the field from the head end cable facility includes identifying the remote control devices with which it is authorized to operate, as well as supplying all the required IR codes to operate the consumer's remote control devices (col 17/lines 62-67),

the cable converter of FIG. 14 is configured such that it may be initialized in the field from the head end cable facility. This would include identifying the remote control devices with which it is authorized to operate, as well as supplying all the required IR codes to operate the consumer's remote control devices. Information for permitting calls to be generated from the converter, either back to the head end system or to various vendors of products which are being ordered by the user, must also be downloaded.

the IR code representing the service that have been paid for, are downloaded to the remote control device after been received from the cable head end facility (col 18/lines 14-22).

Thereby, <u>each</u> subscription comprises information associated with <u>each</u> subscriber ("user profile"), the subscription describes the services (e.g. facility's device programming service) that the subscriber paid for, the subscription includes information identifying the remote control devices, the consumer appliances and the programming IR codes for programming the remote control device(s) to be downloaded.

Goldstein teaches storing information "customer base" for <u>each</u> consumer i.e. "user profile", identifying the remote control devices and supplying all the IR codes to operate each of the respective consumer's remote control devices based on each consumer's subscription.

Argument that the prior art does not teach respective to each user storing subscription information corresponding to a subscriber (consumer) electronic equipment of each consumer associated with a respective remote control device, is not persuasive.

Regarding claim 4, rejected under 103 as being unpatentable over Allport in view of Goldstein, it is argued (p. 11 of remarks), that the prior art does not teach a user though the appliance, request, requesting or query "i.e. notifies to download" a server of an item of his/her equipment for which code to download.

In response to the above-mentioned argument, applicant's interpretation of the prior art has been fully considered. However, Allport teaches:

It is a further object to provide a remote control that allows a consumer to download data from the internet or other data source into the memory of the remote control for use in

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controlling the consumer devices using title-based direct access control (col 6/lines 26-30), is a request based on the title, where access to follows directly from the consumer's title-based request (col 5/lines 3-22); IR libraries or protocols (i.e. code) for specified devices is an example of the type of data that the remote control could download from the Internet, e.g. for some devices for which the protocols are not pre-loaded (col 26/line 9-17).

- 8. Applicant's arguments filed 01/18/05 have been considered but not persuasive.
- 9. Examiner respectfully provided a suggestion for applicant's consideration that accelerate prosecution, which may be submitted as an amended after-final. Examiner is not skilled in claim draftsmanship, claim should be rewritten by applicant.
- 10. The following prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Copies of Non-patent Literature references cited will be provided as set forth in MPEP§ 707.05(a):

US 5,583,920 (Dec. 1996)

Wheeler, Jr., teaches maintaining or access to a <u>data base</u> of video information service providers and customer <u>profile</u> data for the broadcast, archival and interactive video services available through the network. This data may include customized menus, pre-subscription information, identification of impulse pay per view events and premium channels, etc.

US 5,608,447 (Mar. 1997)

Farry et. al. wherein each subscriptions is associated with profile data, including updating subscription data by uploading the service <u>profile</u> data for each of the subscribers serviced and upload new <u>profile</u> data to the distribution component (IAP) each time subscriber information is filed and the <u>data base</u> changes, typically in response to new <u>subscription</u> information from the subscriber or in response to changes entered by a VIP (e.g., to cancel service to a subscriber who has failed to pay outstanding bills).

US 5,583,864 (Dec 1996)

Lightfoot et. al. providing services to a user based on stored user's profile and subscription information. Specifically, a service activation function permits the user to specify various levels of broadcast service that are to be provided to the subscriber through the subscriber's DET's. The <u>profile and subscription</u> management function is similar and related to

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the service activation function. The <u>profile and subscription</u> management application provides an automated means for the user to alter the user's <u>profile and subscription</u> information <u>stored</u> in a gateway (server). Through the <u>profile and subscription</u> management function the gateway would interact with the subscriber to add service for a new DET at the subscriber's premises.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

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B. Prieto TC 2100 Primary Examiner June 6, 2005 BEATRIZ PRIETO
PRIMARY EXAMINER